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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,382	02/01/2002	Kamaljit S. Kaura	KAURA.K-03	2414

22197 7590 09/12/2003

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EXAMINER

NEWHOUSE, NATHAN JEFFREY

ART UNIT PAPER NUMBER

3727

DATE MAILED: 09/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,382

Applicant(s)

KAURA, KAMALJIT S.

Examiner

Nathan J. Newhouse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____.

DETAILED ACTION

As per paper #4, prosecution has been reopened in this application. An office action follows.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 2 "the receiving slot" has no antecedent basis. It appears that this claim should depend from claim 6 and not claim 5.

In claim 8, line 1 "the shafts" has no antecedent basis. It appears that this claim should depend from claim 7 and not claim 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 4,380,304) in view of Crisci (US 4,004,710).

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Anderson teaches a circular container (12) with a bottom (18) and a peripheral sidewall (16) with an outwardly extending integral lip (24). Anderson further teaches a lid (14) with an annular lid lip (90) having a pair of annular spaced apart ribs (92,94). Anderson does not teach the container having a sloped sidewall and a handle.

Crisci teaches a similar circular container having a sloped sidewall to allow for nesting of the containers when not in use. Crisci further teaches a handle strap (25) with a shaft at each end with a restraining flange (32). The handle strap is attached to the container having a pair of receivers (24) with downwardly directed receiving slots (29). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the container sidewall of Anderson sloped as taught by Crisci to allow for nesting of the containers when not in use. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the strap handle and handle receivers as taught by Crisci on the container of Anderson to provide a handle to allow for easier carrying of the container.

5. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrier (US 5,064,090) in view of Anderson (US 4,380,304).

Farrier teaches a circular container (10) having a bottom and a sidewall tapered inwardly to the bottom as shown. At the top end of the sidewall, there is an outwardly extending lip as shown in figure 3. A side handle (30) extends outwardly and downwardly integral with the outwardly extending lip and has reinforcing ribs (33) to strengthen the handle (30). Farrier does not teach a lid for closing the container.

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Anderson teaches a similar circular container having a lid for closing. The lid has an annular lid lip (90) with spaced apart ribs (92,94) to provide a good seal between the container and the lid. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a lid having an annular lid lip with spaced apart ribs as taught by Anderson to close the container of Farrier to provide a good seal while closing of the container.

6. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrier (US 5,064,090) in view of Anderson (US 4,380,304) as applied to claim 2 above, and further in view of Moore (US 3,329,321).

Farrier, as modified above, teaches everything except for the fastener on the side handle to allow for the container to be fixedly attached to a fence post.

Moore teaches a similar container having a fastener (24) used to fixedly attach the container to a fence post. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a fastener as taught by Moore on the side handle of Farrier to fixedly attach the container to a fence post.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrier (US 5,064,090) in view of Anderson (US 4,380,304) as applied to claim 1 above, and further in view of Mayer et al. (US 4,148,699).

Farrier, as modified above, teaches everything except for the container having a mirror finish to inhibit microorganism growth.

Mayer et al. teaches the use of mirror finishes on stainless steel items to prevent bacteria growth. It would have been obvious to one of ordinary skill in the art at the time

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of the invention to make the container of Farrier out of stainless steel with a mirror finish to prevent bacteria (microorganism) growth.

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrier (US 5,064,090) in view of Anderson (US 4,380,304) as applied to claim 1 above, and further in view of Crisci (US 4,004,710).

Farrier, as modified above, teaches everything except for the strap handle and handle receivers.

Crisci teaches a handle strap (25) with a shaft at each end with a restraining flange (32). The handle strap is attached to the container having a pair of receivers (24) with downwardly directed receiving slots (29). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the strap handle and handle receivers as taught by Crisci on the container of Anderson to provide a handle to allow for easier carrying of the container.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boyer, Combs, Robinson, Cullinane, Pearce, Rivers and Abrams teach containers that are mounted by hangers (applicant's side handle) similar to what applicant is claiming. Knox teaches a container with a strap handle similar to what applicant is claiming.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan J. Newhouse whose telephone number is (703)-308-4158. The examiner can normally be reached on Monday-Thursday 7:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on (703)-308-2572. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1148.



Nathan J. Newhouse
Primary Examiner
Art Unit 3727